

Message Text

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ACTION IO-14

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H-01 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01
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O P 011930Z AUG 77
FM AMEMBASSY PRETORIA
TO SECSTATE WASHDC NIACT IMMEDIATE 8263
USMISSION USUN NEW YORK NIACT IMMEDIATE
INFO AMEMBASSY BONN PRIORITY
AMEMBASSY GABORONE
AMEMBASSY DAR ES SALAAM
AMEMBASSY LAGOS
AMEMBASSY LONDON PRIORITY
AMEMBASSY LUSAKA
AMEMBASSY MAPUTO
AMEMBASSY OTTAWA
AMEMBASSY PARIS PRIORITY

C O N F I D E N T I A L SECTION 1 OF 3 PRETORIA 3807

E.O. 11652: GDS
TAGS: PORG, US, SF, WA
SUBJECT: WESTERN FIVE MEETINGS WITH FONMIN BOTHA AND PM VORSTER

REF: USUN 2429, AND PREVIOUS

FOLLOWING IS JOINT REPORT OF FIVE AMBASSADORS COVERING THE
MEETINGS WITH FONMIN BOTHA THIS MORNING AND PM VORSTER THIS
AFTERNOON:

BEGIN TEXT

1. THE FIVE MET WITH THE FOREIGN MINISTER AND BRAND FOURIE THIS
MORNING AND WITH THE PRIME MINISTER AND THEM THIS AFTERNOON FOR
A TOTAL OF 4 1/2 HOURS. BOTH SESSIONS WERE MUCH LESS EMOTIONAL
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THAN THE MEETING OF JULY 14.
WE WOULD CHARACTERISE THE ATTITUDE OF THE SOUTH AFRICANS AS
BUSINESSLIKE AND REASONED, THOUGH NOT MUCH OF SUBSTANCE WAS
CONCEDED. THEY TOOK THE GENERAL LINE THAT WITHOUT AN INDICATION
OF SYG AND SWAPO WILLINGNESS TO ENTER INTO MEANINGFUL NEGOTIATIONS,
THEY WERE NOT PREPARED TO MAKE FURTHER ADJUSTMENTS IN THE
POSITION THEY HAD TAKEN IN THE CAPE TOWN TALKS.

2. COURSE OF THE DISCUSSION WAS FIXED BY AGENDA WHICH BOTHA PUT FORWARD DURING THE MORNING SESSION. HE INDICATED THAT HE HAD PREPARED THE AGENDA ON THE BASIS OF OUR JULY 14 TALKING POINTS AND ISSUES THEY RAISED.

THE AGENDA READS:

(I) THE ADMINISTRATOR GENERAL

(A) HIS POWERS AND FUNCTIONS

(B) THE DATE OF ASSUMPTION OF DUTIES

(II) THE SECRETARY GENERAL'S SPECIAL REPRESENTATIVE AND THE JURIDICAL PROBLEM

(A) HIS ROLE AND FUNCTIONS

(B) HIS COOPERATION WITH THE ADMINISTRATOR GENERAL

(C) THE PERSON

(III) SOUTH AFRICA'S PHASED WITHDRAWAL

(A) THE WITHDRAWAL OF TROOPS AND THE ISSUE OF UN FORCE

(B) ADMINISTRATIVE WITHDRAWAL AND SCHEDULE

(IV) RELEASE OF DETAINEES AND CONVICTED PRISONERS

(A) PROVISION OF A LIST

(B) POSITION OF DETAINEES HELD OUTSIDE SOUTH WEST AFRICA AND SOUTH AFRICA

(C) SETTING OF DATES FOR RELEASE

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(V) ELECTIONS AND THE ELECTORAL PROCESS

(A) TIMING OF ELECTIONS

(B) BASIS AND QUALIFICATIONS FOR VOTING

(C) IDENTIFICATION OF VOTERS

3. GIVEN THE EXTENSIVENESS OF THIS AGENDA WHICH COVERED ALL THE POINTS CONTAINED IN OUR INSTRUCTION TO RAISE, WE DID NOT FIND IT NECESSARY TO ADD ANY ADDITIONAL POINTS. WE MADE FULL USE OF THE TALKING POINTS SENT TO US FOR THESE MEETINGS.

4. FOR THE SAKE OF BREVITY, WE COVER WHAT WAS SAID AT BOTH MEETINGS UNDER EACH HEADING OF THE FOREGOING AGENDA:

(I) ADMINISTRATOR GENERAL

--BOTHA INITIATED THE DISCUSSION BY SAYING THAT THEY PLANNED TO GAZETTE THE APPOINTMENT OF MR. JUSTICE STEYN AND HIS FUNCTIONS BY AUGUST 8 AND THAT HE WOULD TAKE UP HIS DUTIES IMMEDIATELY THEREAFTER. HE WOULD BE GIVEN THE SAME POWERS AS WERE GIVEN TO THE STATE PRESIDENT UNDER ACT NO. 95/77 (I.E., THE ENABLING LEGISLATION PASSED LAST JUNE), SUBJECT ONLY THAT HIS ACTIONS WOULD NEED TO BE APPROVED BY THE STATE PRESIDENT.

-- WHILE WE ARGUED VIGOROUSLY FOR DELAY IN THIS ACTION,
BOTH BOTHA AND THE PRIME MINISTER MAINTAINED THAT IT WAS
ESSENTIAL TO MOVE RAPIDLY FOR THE FOLLOWING REASONS:

(A) THE AG MUST GO TO NAMIBIA QUICKLY IN ORDER TO
FAMILIARIZE HIMSELF WITH HIS RESPONSIBILITIES AND ORGANIZE THE
INTERIM ADMINISTRATION;

(B) THE PRESENT ADMINISTRATION WAS SUFFERING FROM LACK
OF DIRECTION AND THIS VACUUM HAD TO BE FILLED.

(C) IT WAS NECESSARY TO UNSEAT AT THE SEPTEMBER NP
CONGRESS IN WINDHOEK THE SIX NATIONAL PARTY MPS AT PRESENT
REPRESENTING NAMIBIA AND TO REMOVE THE ADMINISTRATOR AND
COMMISSIONER GENERAL; THE LONGER THIS ACTION WAS DELAYED,
THE GREATER THE SCOPE FOR A BREAKDOWN OF AUTHORITY.
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TO SECSTATE WASHDC NIACT IMMEDIATE 8264

USMISSION USUN NEW YORK NIACT IMMEDIATE

INFO AMEMBASSY BONN PRIORITY

AMEMBASSY GABORONE

AMEMBASSY DAR ES SALAAM

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-- BOTHA AND FOURIE POINTED OUT THAT THERE WERE TWO ASPECTS OF THE AG'S JOB: FIRST, ADMINISTRATION WHERE IT WAS UNACCEPTABLE TO LEAVE A VACUUM; AND SECONDLY, THE SETTING UP OF THE ELECTORAL PROCESS WHERE SOME DELAY COULD BE ACCEPTED. DESPITE OUR STRONG REPRESENTATION, VORSTER WAS NOT WILLING TO EXTEND THE DATE FOR GAZETTING THE AG BEYOND AUGUST 22. WHEN PRESSED VORSTER DID, HOWEVER, UNDERTAKE THAT THE AG WOULD NOT TAKE ACTION IN CONNECTION WITH THE ELECTORAL PROCESS WITHOUT PRIOR CONSULTATION WITH THE FIVE.

-- THROUGHOUT THIS DISCUSSION THE SOUTH AFRICANS SHOWED GREAT IMPATIENCE WITH THE DELAY IN UN ACTION AND IN THE TIME TAKEN FOR THE FIVE TO MEET WITH SWAPO. THEY REITERATED THEIR DEEP SCEPTICISM THAT THE CONTACT GROUP WILL IN THE FINAL ANALYSIS BE ABLE TO BRING SWAPO AROUND CONFIDENTIAL

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TO ACCEPTANCE OF A REASONABLE PACKAGE. WE POINTED OUT THAT IT WAS PREMATURE TO REACH THIS JUDGMENT.

(II) THE UN SPECIAL REPRESENTATIVE

-- THEY EXPLAINED THAT THEY HAD SEVERAL PROBLEMS WITH GIVING THEIR SUPPORT TO AHTISAARI. THEY CONTENDED THAT HE CARRIES THE SHADOW OF MCBRIDE AND IS TOO CLOSELY ASSOCIATED WITH SWAPO AND THE COUNCIL FOR NAMIBIA. BOTHA SAID "WE WOULD HAVE EXPECTED A CANDIDATE WITH A LEGAL BACKGROUND." HE EQUATED THE NAMING OF AHTISAARI WITH THEIR NAMING OF THE MINISTERS OF BANTU OR COLOURED AFFAIRS OR COMMISSIONER-GENERAL GENERAL DE WET FOR THE POST OF AG.

-- WE ARGUED STRONGLY THAT UNLESS THEY HAD PERSONAL SUSPICIONS OF HIS INTEGRITY, THE CONNECTIONS DESCRIBED ARGUED IN FAVOUR OF HIS ACCEPTANCE BECAUSE OF THE CONFIDENCE THEY WOULD INSPIRE IN THE UN. UNDER OUR REPEATED PRESSURE ON THIS POINT, VORSTER FINALLY SAID THAT HE HAD NOTHING PERSONAL AGAINST AHTISAARI BUT THAT FOR PUBLIC OPINION REASONS IN NAMIBIA IT WOULD HELP HIM GREATLY IF HIS NAME WERE INCLUDED AMONG A PANEL. HIS REACTION CARRIED THE CLEAR IMPLICATION THAT HE WOULD NOT REJECT AHTISAARI IN THE LAST RESORT IF SO PRESENTED.

-- THIS DISCUSSION AFFORDED US THE OPPORTUNITY TO RESTATE OUR UNDERSTANDING THAT THE UN INVOLVEMENT WOULD HAVE TO EXTEND THROUGHOUT THE TRANSITION PERIOD TO INDEPENDENCE. BOTHA AND THE PRIME MINISTER ACCEPTED THIS INTERPRETATION ON THE UNDERSTANDING THAT IF TOWARD THE END OF THE TRANSITION PERIOD THE PRE-INDEPENDENCE GOVERNMENT ASKED FOR REMOVAL OF THE SPECIAL REPRESENTATIVE AND/OR THE ADMINISTRATOR GENERAL, THIS WOULD HAVE TO BE CONSIDERED.

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(III) SOUTH AFRICA'S PHASED WITHDRAWAL

-- BOTHA AND VORSTER REJECTED OUT OF HAND AN EARLY AND SUBSTANTIAL WITHDRAWAL OF TROOPS. VORSTER WENT SO FAR AS TO SAY THAT IT WOULD BE "CRIMINAL AND IRRESPONSIBLE EVEN TO CONTEMPLATE SUCH A WITHDRAWAL" IN THE ABSENCE OF A COMMITMENT BY SWAPO TO CEASE ARMED INTERVENTION. HE REFERRED TO NINE SWAPO CAMPS INSIDE ANGOLA WITHIN A FEW KILOMETRES OF THE BORDER.

-- VORSTER POINTED OUT THAT SWAPO VIOLENCE WAS NOT THE RESULT OF SOUTH AFRICAN TROOPS BEING IN SWA SINCE THIS VIOLENCE STARTED BACK IN THE 1960'S; THE FACT WAS THAT THE TROOPS WERE ON THE BORDER BECAUSE OF SWAPO VIOLENCE.

--IN THE CONTEXT OF THE GENERAL SECURITY SITUATION IN SOUTHERN ANGOLA, HE SAID THAT NO DISCIPLINED FORCE AT PRESENT EXISTED AND THERE WERE CONSTANT THREATS FROM MARAUDING BANDS OWING ALLEGIANCE TO ONE SIDE OR THE OTHER.

-- WHILE IN THE MORNING SESSION BOTHA HAD INDICATED INTEREST IN THE IDEA OF THE SAG PREPARING A PLAN FOR PHASED WITHDRAWAL CONDITIONAL UPON SWAPO COMMITMENT TO CEASE ARMED INTERVENTION, VORSTER MADE CLEAR THAT THIS WAS UNACCEPTABLE WITHOUT A PRIOR CLEAR UNDERTAKING FROM SWAPO TO CLOSE THE CAMPS AND CEASE ARMED ACTION. HE URGED THAT WE SHOULD OBTAIN THIS COMMITMENT FROM SWAPO WHEN THE CONTACT GROUP MEET WITH THEM ON 8 AUGUST. IN THE ABSENCE OF SUCH A COMMITMENT, HE WOULD TAKE FULL RESPONSIBILITY IF THE TALKS BROKE DOWN OVER THIS POINT.

DURING THIS DISCUSSION BOTHA MENTIONED THE FACT THAT THEY WERE TRAINING LOCAL MILITARY FORCES TO ASSIST IN THE DEFENSE OF THE BORDER AND THAT AS THESE UNITS BECAME OPERATIONAL, THERE WAS A POSSIBILITY OF THEIR REPLACING ONE OR TWO BATTALIONS OF SOUTH AFRICAN TROOPS.

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-- WITH RESPECT TO THE PHASED TRANSFER OF CIVIL ADMINISTRATION FROM PRETORIA TO WINDHOEK, IT WAS THE INTENTION TO REPLACE TWO DEPARTMENTS (BANTU ADMINISTRATION AND COLOURED AFFAIRS) WITHIN TWO WEEKS OF THE AG TAKING UP HIS OFFICE. THEREAFTER IT SHOULD BE POSSIBLE TO TRANSFER TWO DEPARTMENTS TO LOCAL CONTROL EVERY TWO

OR THREE WEEKS. HE MENTIONED THAT THE FUNCTIONS TO BE TRANSFERRED COULD INCLUDE POLICE AND PRISONS.

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(IV) RELEASE OF DETAINEES AND CONVICTED PRISONERS
-- THE PRIME MINISTER INSISTED UPON LINKING
RELEASE OF DETAINEES HELD IN NAMIBIA AND SOUTH AFRICA
TO RELEASE OF DETAINEES HELD IN ZAMBIA AND TANZANIA.

-- FOLLOWING A SUGGESTION FROM NEW YORK THAT
THE BRITISH AMBASSADOR SHOULD GIVE AN ACCOUNT OF PROGRESS
MADE ON THE FUTURE OF NAMIBIANS DETAINED IN TANZANIA,
SCOTT SAID THAT PRESIDENT NYERERE SEEMED TO BE PREPARED,
DESPITE OBJECTIONS FROM NUJOMA, TO CONSIDER RELEASING
SWAPO MEMBERS DETAINED IN TANZANIA, INCLUDING SHIPANGA,
PROVIDED THESE COULD BE GIVEN ASYLUM IN THIRD COUNTRIES
BEFORE RETURNING TO NAMIBIA. HE ALSO INDICATED THAT A
NUMBER OF DETAINEES IN ZAMBIA HAD BEEN TRANSFERRED
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FROM PRISON OR DETENTION TO REFUGEE CAMPS UNDER CONTROL OF THE UNHCR. VORSTER TOOK UP THE LATTER POINT BY SAYING THAT IF THE UN WERE HOLDING A NUMBER OF NAMIBIANS, THEN HE MUST DEMAND THAT OVAMBO LEADERS SHOULD VISIT THE CAMPS TO INTERVIEW THE INMATES WITH A VIEW TO FINDING OUT IF THEY WISHED TO RETURN TO NAMIBIA.

THE PRIME MINISTER THEN HANDED OVER A LIST CONTAINING 54 NAMES OF DETAINEES AND CONVICTED PRISONERS HELD IN SOUTH AFRICA AND NAMIBIA. TEXT FOLLOWS IN A SEPARATE TELEGRAM. HE POINTED OUT THAT SOUTH AFRICA WAS MAKING A GESTURE OF GOODWILL IN RELEASING THESE NAMES AND WOULD APPRECIATE A SIMILAR GESTURE FROM THE OTHER SIDE.

-- WE URGED THAT IF TANZANIA RELEASED ITS DETAINEES, THEN SOUTH AFRICA SHOULD MAKE A CORRESPONDING GESTURE WITHOUT WAITING FOR THE RELEASE OF THOSE HELD IN ZAMBIA. HE MADE NO COMMENT BUT REMINDED US THAT RESOLUTION 385 CALLED FOR THE IMMEDIATE RETURN OF ALL DETAINEES TO THE TERRITORY AND THIS SHOULD PARTICULARLY APPLY TO THOSE HELD BY THE UN HCR.

-- VORSTER MADE THE POINT THAT ALL CASES OF CONVICTED PRISONERS WOULD HAVE TO BE SUBJECT TO FURTHER REVIEW ON AN INDIVIDUAL BASIS BY THE PANEL OF JURISTS.

(V) ELECTIONS AND THE ELECTORAL PROCESS

-- BOTHA LED OFF BY SAYING THAT THEY WERE STILL CONSIDERING LATE NOVEMBER OR EARLY DECEMBER AS A DATE FOR ELECTIONS FOR THE CONSTITUENT ASSEMBLY WHICH WOULD HAVE RESPONSIBILITY FOR DRAWING UP THE NEW CONSTITUTION AND ALSO FOR SETTING THE DATE FOR THE ELECTIONS UNDER THAT

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CONSTITUTION FOR THE ELECTION OF A NEW GOVERNMENT.

-- WE REITERATED THE POSITION TAKEN BY THE CONTACT GROUP LAST JUNE THAT IT IS ESSENTIAL TO ALLOW SUFFICIENT TIME FOR THOSE OUTSIDE NAMIBIA TO ORGANIZE AND CAMPAIGN FOR THE ELECTIONS AND THAT MORE TIME WOULD BE REQUIRED THAN THAT AVAILABLE BETWEEN NOW AND THE END OF THE YEAR.

-- VORSTER MADE NO COMMITMENT WITH REGARD TO THIS POINT AND THREATENED THAT IF THE SPECIAL REPRESENTATIVE HAD NOT BEEN APPOINTED BY THE END OF SEPTEMBER, HE WOULD GO

AHEAD ON THE LINES OF TURNHALLE WHATEVER THE CONSEQUENCES.

-- WITH REGARD TO VOTER QUALIFICATIONS, THEY
INDICATED THAT THEY HAD MADE A CAREFUL STUDY OF THE UN
PRECEDENTS AND HAD NO PROBLEM IN ACCEPTING THE CRITERIA
USED IN PREPARING VOTERS ROLES. HE ACCEPTED THAT
RETURNEES WOULD HAVE TO BE COVERED BY THIS PROCESS. BOTH
DESCRIBED THE REGISTRATION OF VOTERS AS A NEUTRAL ACT AND
SAID THEY ALREADY HAD THIS PROCESS UNDER WAY. HE ACCEPTED
THAT THIS WAS A MATTER ON WHICH THE SPECIAL REPRESENTATIVE
WOULD HAVE TO BE SATISFIED.
END TEXT

5. OUR COMMENTS FOLLOW.
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